

Petition Policy for Unclaimed Funds

Code 28 U.S.C. § 2042

A party entitled to unclaimed funds "...may, on petition to the court and upon notice to the U.S. Attorney and full proof of right thereto, obtain an order directing payment to him."

Types of Claimants

1. **Owners of Record:** the person shown in the court's records as the owner of the funds.
 2. **Successor Claimants:** business successors, descendant's estates, assignees, judgment creditors, etc., who now have direct claims to the funds but are not the owners of record.
 3. **Representative Claimants:** typically fund locators who act on behalf of owners of record/successor claimants.
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Preparing a Petition for Application of Unclaimed Funds

1. A claimant seeking disbursement of unclaimed funds, being held by the Court, must file a [petition](#) using the Court's prescribed form or likeness.
 2. The petition must be accompanied by the printed page(s) from the Internet's Unclaimed Funds List that corresponds to the amount(s) being claimed on the petition.
 3. The Court will submit a copy of the completed petition, on behalf of the claimant, to the U.S. Attorney's Office for the District of Idaho.
 4. The claimant must also submit a legal document—such as an affidavit—to the Court requesting the release of funds. At a minimum, that affidavit must include the following information:
 - A notarized signature of the claimant;
 - A brief history of the claim;
 - The name, address and telephone number of claimant;
 - The social security or tax identification number of the claimant; and
 - A photocopy of photo identification, i.e. driver's license or passport of the party entitled to the funds
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Additional Information Needed if Claimant is NOT the Owner of Record

1. When the owner of record is not the claimant, the signer or claimant requesting release of the funds must show proper authority. The court must receive the following additional information:
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◆ Successor Claimants**◆ Corporate Claims**

- The [petition](#) submitted by a corporation shall be executed by the President or Chairman of the Board of Directors and accompanied by verification of capacity, i.e. Articles of Incorporation, Board Meeting Minutes, or other appropriate documentation.
- A corporate power of attorney signed by an officer;
- A corporate seal;
- A statement of the signing officer's authority;
- Documentation establishing chain of ownership of the original corporate claimant
- Documentation evidencing the transfer of claim or proof of the purchase/sale of assets, stating new and prior owner.

◆ Descendant's Estate (Administrator, Executor, Representative)

- Certified copies of probate documents establishing the representative's right to act on behalf of the descendant's estate;
- Proof of personal identity of both the estate administrator and the descendant

◆ Representative Claimants (i.e. Fund Locator)

- A notarized, original power of attorney signed by the claimant on whose behalf the locator is acting;
- Documentation sufficient to establish the claimant's entitlement to the funds;
- If the creditor submits a petition claiming the same funds, the monies shall be paid to the creditor providing disbursement has not already been made. The creditor's request will be considered a revocation of the agent's power of attorney. If petitions are received from more than one agent and the funds have not been disbursed, no disbursement will be made until the matter has been settled by a hearing before the Court.

Petition Review

1. The Court shall review petitions for completeness and validity. This includes ensuring that Successor Claimants and Representative Claimants have rights to the funds being requested.
2. A petition which is not acceptable shall be returned to the claimant or agent thereof with an explanation for the return. Any later petition received will be processed without consideration of a prior petition that was returned.
3. Thirty days after the receipt of an accepted petition, if no objection to

disbursement has been filed, the proposed order will be presented to the Court for payment. An objecting party must set a hearing before the Court prior to disbursement.

Disbursement of Unclaimed Funds

1. The Court will make disbursements payable only in the name of the creditor even though submitted by an agent. Disbursement is to be made by U.S. Treasury check when funds are in the U.S. Treasury trust account.
2. Payments will be posted to the appropriate ledgers upon issuance of a check.
3. The disbursement will be docketed and the petition and order will be appropriately placed in a file.

Questions

Any questions regarding Bankruptcy Unclaimed Funds should be made to the Financial Department of the;

U.S. Bankruptcy Court, U.S. Courthouse and Federal Building
550 West Fort Street, Suite 400
Boise, Idaho 83724

Telephone number is (208) 334-9096